

REMARKS

Claims 1, 4-32 and 35-45 were presented for examination and all claims were rejected. In the present amendment, claims 1, 7, 12 and 45 have been amended and claims 46 and 47 have been added. No new matter has been introduced. Upon entry of the present amendment, claims 1, 4-32 and 35-47 will be currently pending in this application, of which claims 1, 17, 32 and 45 are independent. Applicants submit that claims 1, 4-32 and 35-47 are patentable and in condition for allowance.

The following comments address all stated grounds of rejection. Applicants traverse all rejections and urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

EXAMINER INTERVIEW

Applicants wish to thank Examiner Lanier for taking the time to interview with the Applicants' representative on January 28, 2009, and for providing the Interview Summary for the interview. During the Interview, Examiner Lanier clarified the Examiner's position in relation to the rejection issued in the Non-Final Office Action.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 45 is rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Applicants hereby amend claim 45, which Applicants submit particularly points out and distinctly claims the subject matter which Applicants regard as their invention. Applicants request the Examiner to withdraw the rejection of claim 45 under 35 U.S.C. §112, second paragraph.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

I. Claims 1, 4-6, 16-21, 31-32, 35-37 and 44-45 Rejected Under 35 U.S.C. §103

Claims 1, 4-6, 16-21, 31-32, 35-37 and 44-45 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,772,347 to Xie et al. ("Xie") in view of U.S. Patent Publication No. 2004/0250124 to Chesla ("Chesla"). Applicants respectfully traverse this rejection. Claims 1, 17, 32 and 45 are independent claims. Claims 4-6 and 16 depend on and

incorporate all the patentable subject matter of independent claim 1. Claims 18-21 and 31 depend on and incorporate all the patentable subject matter of independent claim 17. Claims 35-37 and 44 depend on and incorporate all the patentable subject matter of independent claim 32. Claim 45 is an independent claim. Applicants submit that the combination of Xie and Chesla does not teach or suggest each and every feature of the claimed invention.

Claims 1, 17, 32 and 45 Patentably Distinguished over Xie in view of Chesla

To establish *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Claim 1 is directed to a computer-implemented method, claim 17 is directed to a system, claim 32 is directed to a computer program product, and claim 45 is directed to a method. Claims 1, 17, 32 and 45 recite determining a frequency with which messages having an attribute were rejected by a rejection rule based on the attribute. Xie and Chesla, alone or in combination, fail to teach or suggest each and every element of the claimed invention.

The combination of Xie and Chesla does not teach or suggest determining a frequency with which messages having an attribute were rejected by a rejection rule based on the attribute. Instead, the combination of Xie and Chesla discusses frequency properties of incoming messages that were not rejected by rejection rules. As the Examiner concedes that Xie does not teach or suggest this claim limitation, the Examiner cites Chesla's timing and frequency properties for this purpose. However, Chesla's timing and frequency properties are only attributes of Chesla's arriving data packets that were not rejected by rejection rules. (See Chesla paragraphs: [0064], [0065], [0066], [0067], [0071] and [0082]). Thus, the combination of Xie and Chesla does not monitor any statistics of the rejected messages, such as the frequency or count of the messages rejected based on an attribute. For at least this reason, the combination of Xie and Chesla does not teach or suggest determining a frequency with which messages having an attribute were rejected by a rejection rule based on the attribute.

In addition, Applicants submit that the combination of Xie and Chesla also does not teach or suggest that the same attribute of the message is used for both the rejection rule and the exception rule. The claimed invention recites the received message having an attribute, the attribute triggering the rejection rule and an exception rule to the rejection rule being generated based on a determination of a frequency of the rejected messages that have the attribute. The combination of Xie and Chesla does not use the same attribute for both rejecting and allowing

the message. Instead, the combination of Xie and Chesla teaches rejecting incoming packets based on one set of attributes and allowing some of the initially rejected packets based on additional set of rules that are based on “the additional access control requirements.” (See Xie, col. 6, line 4). These additional set of rules are a second set of attributes. Thus, for at least this reason, the combination of Xie and Chesla also does not teach or suggest using the same attribute of the message for both the rejection rule and the exception rule.

Since the combination of Xie and Chesla does not teach or suggest each and every element of the claimed invention, Applicants submit that independent claims 1, 17, 32 and 45 are patentable and in condition for allowance. Claims 4-6 and 16 depend on and incorporate all the patentable subject matter of independent claim 1. Claims 18-21 and 31 depend on and incorporate all the patentable subject matter of independent claim 17. Claims 35-37 and 44 depend on and incorporate all the patentable subject matter of independent claim 32. Thus, Applicants submit dependent claims 4-6, 16, 18-21, 31, 35-37 and 44 are patentable and in condition for allowance. Therefore, Applicants request that the Examiner withdraw the rejection of claims 1, 4-6, 16-21, 31, 32, 35-37 and 44-45 under 35 U.S.C. §103.

II. Claims 7-15, 22-30 and 38-43 Rejected Under 35 U.S.C. §103

Claims 7-15, 22-30 and 38-43 are rejected under 35 U.S.C. §103 as unpatentable over Xie in view of Chesla and further in view of U.S. Publication No. 2005/0086206 to Balasubramanian et al. (“Balasubramanian”). Claims 7-15 depend on and incorporate all the patentable subject matter of independent claim 1. Claims 22-30 depend on and incorporate all the patentable subject matter of independent claim 17. Claims 38-43 depend on and incorporate all the patentable subject matter of independent claim 32. Applicants traverse these rejections and submit that any combination of Xie, Chesla, and Balasubramanian fails to teach or suggest each and every element of the claimed invention.

Dependent Claims 7-15, 22-30 and 38-43 Patentable over Xie, Chesla and Balasubramanian

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. For the reasons discussed above in connection with the rejection of independent claims 1, 17 and 32, Applicants submit that independent claims 1, 17 and 32 are patentable and in condition for allowance. Thus, the claims

dependent from claims 1, 17 and 32 are patentable and in condition for allowance: 7-15, 22-30 and 38-43. As with the combination of Xie and Chesla above, the combination of Xie, Chesla and Balasubramanian also fails to teach or suggest determining a frequency with which messages having an attribute were rejected by a rejection rule based on the attribute. Therefore, Xie, Chesla and Balasubramanian, alone or in combination, fail to detract from the patentability of the claimed invention. Accordingly, Applicants submit that dependent claims 7-15, 22-30 and 38-43 are patentable and in condition for allowance and request the Examiner to withdraw the rejection of claims 7-15, 22-30 and 38-43 under 35 U.S.C. §103.

III. New Dependent Claims 46 and 47 Patentable Over Xie, Chesla and Balasubramanian

Since claims 46 and 47 depend on and incorporate all the patentable subject matter of the independent claim 1, claims 46 and 47 recite determining a frequency with which messages having an attribute were rejected by a rejection rule based on the attribute. Since this claimed limitation is not taught or suggested by Xie, Chesla and Balasubramanian, alone or in combination, claims 46 and 47 are patentable and in condition for allowance.

In addition to the reasons for the patentability of claims 46 and 47 provided above, claims 46 and 47 provide an additional basis for patentability. Claim 46 recites receiving, by the security gateway, the first message from a user, the first message comprising a cookie session identifier field and a value of the cookie session identifier. This claim further recites rejecting, by the message filter, the first message based on a second rejection rule, the second rejection rule rejecting messages having a cookie session identifier attribute, the cookie session identifier attribute indicating that the cookie session identifier field of the first message cannot be changed and that the value of the cookie session identifier is different from a previously stored cookie session identifier value. This claim also recites incrementing, by the learning engine for the attribute, a second count of messages from the user received via plurality of user sessions and within a predetermined amount of time and rejected based on the cookie session identifier attribute and determining, by the learning engine based on the second count, a second frequency with which messages with the cookie session identifier attribute from the user were rejected based on the second rejection rule. Applicants submit that no combination of Xie, Chesla and Balasubramanian teaches or suggests these claimed limitations.

Claim 47 recites receiving, by the security gateway, a first message from a user, the first message comprising a webpage that includes a password field and a user login field and rejecting, by the message filter, the first message based on a second rejection rule for a field attribute, the field attribute indicating that any one of the password field or the user login field exceeds a predetermined number of characters. This claim also recites incrementing, by the learning engine for the attribute, a second count of messages from the user received via plurality of user sessions and within a predetermined amount of time and rejected based on the field attribute. This claim further recites determining, by the learning engine based on the second count for the field attribute, a second frequency with which messages having the field attribute were rejected based on the second rejection rule and generating, by the learning engine, a second exception rule to the second rejection rule in response to the determined second frequency exceeding the predetermined threshold within the predetermined amount of time. Applicants submit that no combination of Xie, Chesla and Balasubramanian teaches or suggests these claimed limitations

Therefore, the combination of Xie, Chesla and Balasubramanian fails to teach or suggest the above recited claim limitations of claims 46 and 47. For at least these reasons Applicants submit that claims 46 and 47 are patentable and in condition for allowance.

CONCLUSION

In light of the aforementioned amendments and arguments, Applicants contend that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,
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